

SCAG Questions for RTP Guidelines
Land Use and Housing Workgroup re: SCS-RHNA¹
For discussion in October 7, 2009 conference call

- 1. Is an SCS prepared by a subregion subject to environmental review (separate from the DEIR for the MPOs' RTP)?**

No. The SCS, including a subregional SCS, is a component of the RTP; the RTP is subject to environmental review in its entirety.

- 2. Does an SCS now make RHNA and its distribution of regional housing need subject to environmental review?**

No. The express statutory exemption of the RHNA from CEQA remains in effect. Environmental review occurs at the local government's plan level.

- 3. Does CARB rejection of an SCS mean the RHNA is also rejected and may either be revised or maintained as is if an APS is prepared?**

No. The RHNA is required to be consistent with the development pattern of an SCS (regardless of whether the SCS is found by CARB to meet the regional target). There is no requirement for consistency of the RHNA and an APS, and CARB does not have authority relative to the RHNA. There is no statutory provision allowing certain portions of the RHNA process, i.e., HCD's regional determination, to be revised once issued.

- 4. What are the implications for the adoption of the RTP/SCS and projected housing element update if there is a significant delay in achieving CARB approval?**

As CARB's review of the SCS occurs after the adoption of the RTP, and the housing element is required to be adopted within 18 months of the RTP adoption, a delay by CARB will not affect the housing element due date.

However, the effect of uncertain and potentially delayed or shifting schedules within the RTP process on the RHNA process timelines and housing element due date is an issue that has been identified for cleanup legislation, but has not yet been resolved. SB 575 (Steinberg) (enrolled, but outcome yet unknown) proposed a process to address the portions of this issue related to establishing the RHNA start date and housing element due date.

- 5. Does the RHNA process need to be repeated for jurisdictions facing a 4 year housing element update?**

No, because there are no statutory provisions for a separate RHNA process for a four-year housing element update. MPOs should establish what the RHNA would be for four-year housing element updates, should such become applicable, at the time they adopt their RHNA respective plans.

¹ Submitted by Joe Carreras in an October 2, 2009 email; draft responses by HCD.